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Attorneys for Non-Party Netflix, Inc.

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION  
11

12 EPIC GAMES, INC.

13 Plaintiffs,

14 vs.

16 APPLE, INC.,

17 Defendants.  
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Case No. 4:20-cv-05640-YGR-TSH

**DECLARATION OF ROB CARUSO ISO  
OF ADMINISTRATIVE MOTION OF  
NON-PARTY NETFLIX, INC. TO SEAL  
TRIAL EXHIBITS**

Hon. Yvonne Gonzalez Rogers

Trial: May 3, 2021

1 I, ROB CARUSO, declare as follows:

2 1. I am currently the Vice President, Device Partner Engagements at Netflix, Inc. ("Netflix").  
3 I have worked for Netflix since 2013. My responsibilities include managing revenue sharing  
4 agreements with companies that manufacture devices that allow viewers to access Netflix content  
5 (such as smart TVs, smart TV devices, and tablets). My responsibilities with respect to the  
6 partnership between Apple and Netflix include management of activities related to integration and  
7 performance of the Netflix service on Apple devices.

8 2. I submit this Declaration in support of Netflix's motion to seal portions of the following  
9 documents produced by Apple, Inc. that Epic Games, Inc. has listed on its trial exhibit list: **PX-**  
10 **0197** [APL-APPSTORE-06015804]; **PX-2140** [APL-APPSTORE-06737767].

11 3. Those documents contain sensitive financial and business information about Netflix's  
12 customer base, including certain performance metrics relevant to Netflix's revenue. This  
13 information is competitively sensitive and can influence Netflix's negotiations with potential  
14 business partners. For this reason, Netflix generally does not share information with other  
15 potential business partners or the general public. Netflix therefore derives economic value in  
16 keeping this information private from Netflix's competitors, business partners, or the general  
17 public.

18 4. The information in these exhibits was shared with or known to Apple pursuant to  
19 confidentiality agreements between Netflix and Apple. At the time these records were created in  
20 2018, Netflix and Apple had in place a Data and Service Integration Agreement (dated August 31,  
21 2015) that contained a provision to maintain one another's confidential information. Based on my  
22 experience at Netflix and personal knowledge of Netflix's dealings with Apple, the sensitive  
23 business and financial information in the exhibits was shared with an expectation that Apple  
24 would keep it confidential.

25 5. To my knowledge, the confidential information discussed above is not publicly known and  
26 Netflix proactively seeks to protect this confidential information from disclosure.

27 I declare under the penalty of perjury under the laws of the United States of America that  
28 the foregoing is true and correct.

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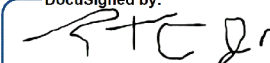
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3 Executed on May 4, 2021 at 4:32 PM \_\_\_\_\_.

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By:

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ROB CARUSO

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*Vice President, Device Partner Engagements,  
Netflix, Inc.*

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